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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,554	04/28/2005	Graeme Scott Halfacree	FAK 304	8922
7590	06/08/2006		EXAMINER	
Kolisch Hartwell 200 Pacific Building 520 SW Yamhill Street Portland, OR 97204				PHAN, HAU VAN
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/533,554	HALFACREE, GRAEME SCOTT	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 April 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/29/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 9/29/2005 has been considered.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the term "medium" is not clear, whether the recreational board travelling across a surface or a medium.

Regarding claim 1, it is unclear whether, the term "board" in line 3, the same with "a creational board" in line 1.

***Claim Rejections - 35 USC § 102***

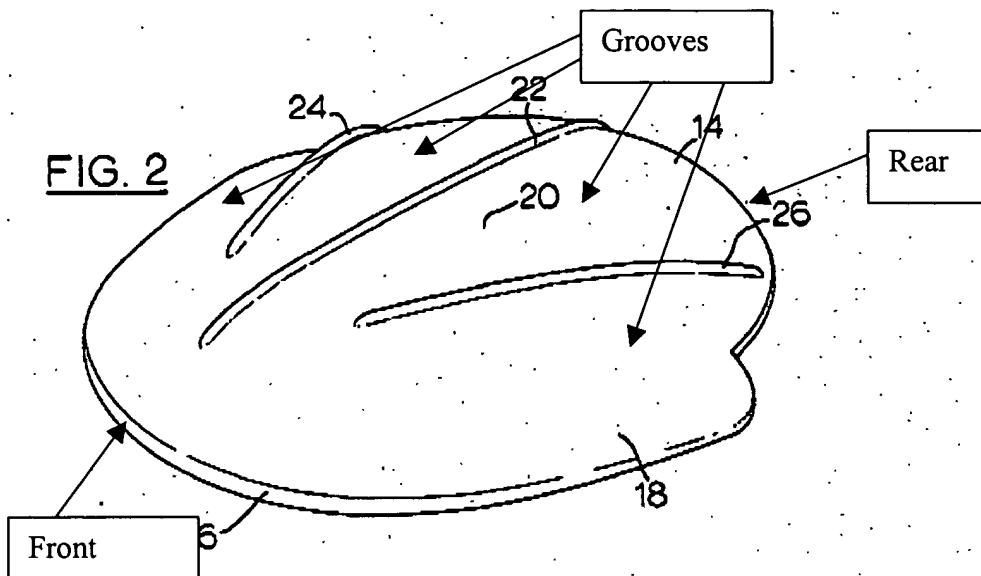
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3, 6-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrik (3,773,342).**

Petrik in figures 1-5, disclose a recreational board comprising for travelling across a surface. The recreational board has a top surface (12) and a bottom surface (14). The top surface supports a user positioned on the recreational board and the bottom surface contacting the surface on which the board travels. The board being shaped so that a front portion of the board is narrower than a rear portion of the board, wherein the bottom surface includes a plurality of grooves (notice that surfaces between ribs 22, 24, 26 can be considered grooves) that extend forwardly from a central zone on the bottom surface to adjacent a side edge of the bottom surface.



Regarding claim 2, Petrik discloses the board that tapers from the rear portion of the board to front portion of the board.

Regarding claim 3, Petrik discloses the top surface of the board containing bindings or sockets (28, 30).

Regarding claim 4, Petrik discloses board having two bindings.

Regarding claim 6, Petrik discloses the bottom surface that is convex.

Regarding claim 7, Petrik discloses the front portion and rear portion that are turned upwardly.

Regarding claim 11, Petrik discloses the recreational board that is a snowboard, sand board, water board or air board.

**7. Claims 1-7 and 11 are alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (6,533,625).**

Taylor in figures 1-5, disclose a recreational board comprising for travelling across a surface. The recreational board has a top surface (24) and a bottom surface (26). The

top surface supports a user positioned on the recreational board and the bottom surface contacting the surface on which the board travels. The board being shaped so that a front portion of the board is narrower than a rear portion of the board, wherein the bottom surface includes a plurality of grooves (60, 62) that extend forwardly from a central zone on the bottom surface to adjacent a side edge of the bottom surface.

Regarding claim 2, Taylor discloses the board that tapers from the rear portion of the board to front portion of the board.

Regarding claim 3, Taylor discloses the top surface of the board containing bindings (46, 52).

Regarding claim 4, Taylor discloses board having two bindings.

Regarding claim 5, Taylor discloses a rear binding, which is inclined with respect to the top surface of the board (see figure 2).

Regarding claim 6, Taylor discloses the bottom surface that is convex.

Regarding claim 7, Taylor discloses the front portion and rear portion that are turned upwardly.

Regarding claim 11, Taylor discloses the recreational board that is a snowboard, sand board, water board or air board.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (6,533,625) as applied to claim 1 above, and further in view of Servant (6,254,111).**

Taylor discloses the creation board, but fails to show a brake.

Servant in figures 3-4, teaches a snowboard having brakes (48, 50, 54). The brakes include at least one channel in between or a plurality of channels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the creation board of Taylor with the snowboard having a brake as taught by Servant in order to stop the creation board or control a speed of the creation board.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dahl discloses a steerable toboggan, Miller discloses a ski provided with tracking means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hau V Phan  
Primary Examiner  
Art Unit 3618

*Hau Phan*  
6/1/06